BOMBAY ACT No. XX OF 1949.[1]

[THE KARNATAK UNIVERSITY ACT, 1949.]

[*11th May 1949*]

Amended by Bom. 53 of 1949.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 39 of 1951.
" " " 18 of 1953.
" " " 30 of 1954.
" " " 58 of 1954.

An Act to establish and incorporate a University in the Province of Bombay to be known as the Karnatak University.

WHEREAS it is expedient to establish and incorporate a University in the Province of Bombay to be known as the Karnatak University as a measure in the decentralization and reorganisation of university education in the Province of Bombay; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Karnatak University Act, 1949.

(*2*) This section shall come into force at once.

(*3*) The [2][State] Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force on such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Affiliated" means affiliated under sections 5 and 32;

(*2*) "College" means a degree college or an intermediate college;

(*3*) "Degree College" means an affiliated college which is authorized to submit its students to an examination qualifying for any degree of the University;

(*4*) "High School" means a high school which has been recognized as a full-fledged high school by the [3][Director of Education], Bombay [4][State] or by an officer authorized by him in this behalf, or a high school situate outside the [4][State] of Bombay which has been registered by the University;

(*5*) "Hostel" means a unit of residence for students maintained or recognized by the University under this Act.

(*6*) "Intermediate college" means an affiliated college other than a degree college;

(*7*) "Principal" means the head of a college;

(*8*) "Recognized institution" means an institution for research or specialized studies other than an affiliated college and recognized as such by the University;

(*9*) "Registered graduate" means a graduate registered under the provisions of this Act;

(*10*) "Secondary Teachers" means such class of teachers imparting instruction in High Schools as may be declared to be Secondary teachers by the Statutes;

(*11*) "Statutes," "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University made under this Act and for the time being in force;

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 33.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] These words were substituted for the words "Director of Public Instruction" by Bom. 18 of 1953, s. 3 and Second Schedule.
[4] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

(*12*) "Teachers" means professors, readers, lecturers and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes;

(*13*) "Teachers of the University" means teachers appointed or recognized by the University for imparting instruction on its behalf;

(*14*) "University" means the Karnatak University constituted under this Act;

(*15*) "University Area" means the areas specified in the Schedule;

(*16*) "University Department" means any post-graduate or research institution or department maintained by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the first Vice-Chancellor of the University and the first members of the Senate, the Syndicate and the Academic Council of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "The Karnatak University."

(*2*) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(*3*) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

Powers of the University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

(*1*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge;

(*2*) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies;

(*3*) to establish, maintain and manage departments and institutes of research or specialized studies;

(*4*) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University;

(*5*) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University;

(*6*) to lay down the courses of instruction for various examinations;

(*7*) to guide the teaching in colleges or recognized institutions;

(*8*) to institute degrees, titles, diplomas and other academic distinctions;

(*4*) Where the application or any part thereof is granted, the order of the [1][State] Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(*5*) As soon as possible after the [1][State] Government makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (*2*) to (*4*) and of all proceedings connected therewith.

(*6*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*3*).

Extension of affiliation.

33. Where a college desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 32 shall, [2][so far as may be], be followed.

Recognition of institutions of research and specialized studies.

34. (*1*) The Syndicate shall have the power, after consultation with the Academic Council, to recognize as a recognized institution any institution of research orspecialised studies other than a college.

(*2*) An institution applying for recognition under this section shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely :—

(*a*) constitution and personnel of the managing body ;

(*b*) subjects and courses in regard to which recognition is sought ;

(*c*) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;

(*d*) the strength of the staff, their qualifications and salaries and the research work done by them ;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*3*) Before taking the application into consideration the Syndicate may call for any further information which it may deem necessary.

(*4*) If the Syndicate decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorized by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Syndicate shall, after consultation with the Academic Council, grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Syndicate shall specify the subjects and the courses of instruction in respect of which the institution is recognized and make a report to that effect to the Academic Council and the Senate at their next succeeding meeting. Where the application or any part thereof is refused the grounds of such refusal shall be stated.

Inspection of colleges and reports.

35. (*1*) Every affiliated college and recognized institution shall furnish such reports, returns and other information as the Syndicate after consulting the Academic Council may require to enable it to judge of the efficiency of the college or institution.

(*2*) The Syndicate shall cause every such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

---

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] These words were substituted for the words "so far as may" by Bom. 58 of 1954, s. 2, Schedule.

(*3*) The Syndicate may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (*1*) of section 32 and sub-section (*2*) of section 34.

Withdrawal of affiliation.

36. (*1*) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the provisions of sub-section (*1*) of section 32 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(*2*) A motion for the withdrawal or the modification of such rights shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the Principal of the college concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate after considering the notice of motion, statement and representation, and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and such further inquiry as may appear to it to be necessary and after consulting the Academic Council shall make a report to the Senate.

(*5*) On receipt of the report under sub-section (*4*) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, record its opinion in the matter :

Provided that no resolution of the Senate recommending the withdrawal of affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at a meeting of the Senate such majority comprising not less than one-half of the members of the Senate.

(*6*) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and the Senate relating thereto, to the [1][State] Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit.

(*7*) Where by an order made under sub-section (*6*), the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

With drawal of recognition.

37. (*1*) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

(*2*) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

SECTIONS.

CHAPTER IV-A—*Control and Regulation of Articles mentioned in section 24A to prevent their use as intoxicating Liquor.*

59A. Manufacture of articles mentioned in section 24A.
59B. Analysis of articles mentioned in section 24A.

CHAPTER V—*Mhowra flowers.*

60. Prohibition of export or import of mhowra flowers. Control and regulation of transport, sale, etc., of mhowra flowers.

CHAPTER VI—*Control and Regulation of Molasses.*

61. Control of export, etc., of molasses.
62. Provisions of sections 53 to 59 to apply to licences granted under section 61.
63. [*Deleted.*]
64. [*Deleted.*]

CHAPTER VII—*Offences and penalties.*

65. Penalty for illegal import, etc., of intoxicant or hemp.
66. Penalty for illegal cultivation and collection of hemp and other matters.
67. Penalty for alteration or attempting to alter denatured spirit.
67-1A. Penalty for alteration or attempting to alter denatured spirituous preparation.
67A. Penalty for manufacturing articles mentioned in section 24A in contravention of the provisions of section 59A.
67B. Penalty for failure to satisfy Director that articles mentioned in section 24A correspond to description and limitations.
68. Penalty for opening, etc., of common drinking house.
69. Penalty for illegal import, etc., of mhowra flowers.
70. Penalty for illegal import, etc., of molasses.
71. [*Del ted.*]
72. Penalty for failure, etc., of warehousing opium.
73. Penalty for printing or publishing advertisements in contravention of provisions of Act, etc.
74. Penalty for circulating, etc., newspapers, etc., containing advertisements regarding intoxicants, etc.
75. Penalty for inciting or encouraging certain acts.
76. Penalty for neglect to keep measures, etc.
77. Penalty for misconduct by licensee, etc.
78. Penalty for misconduct by licensed vendor or manufacturer.
79. Liability of licensee for acts of servants.
80. Import, export, etc., of intoxicant by any person on account of another.
81. Penalty for attempts or abetment.
82. Breach of licence, permit, etc., to be an offence.
83. Penalty for conspiracy.
84. Penalty for being found drunk in any drinking house.
85. Penalty for being drunk and for disorderly behaviour.

SECTIONS.

86. Penalty for allowing any premises, to be used for purpose of committing an offence under Act.
87. Penalty for chemist, druggist or apothecary for allowing his premises to be used for purpose of consumption of liquor.
88. Penalty for issuing false prescriptions.
89. Penalty for maliciously giving false information.
90. Penalty for offences not otherwise provided for.
91. Demand for security for abstaining from commission of certain offences.
92. [*Deleted.*]
93. Demand of security for good behaviour.
94. Execution of bonds in respect of minor.
95. Punishment for vexatious search, seizure or arrest.
96. Punishment for vexatious delay.
97. Punishment for abetment for escape of persons arrested.
98. Things liable to confiscation.
99. Return of things liable to confiscation to *bona fide* owners.
100. Procedure in confiscation.
101. Power of Collector, etc., to order sale or destruction of articles liable to confiscation.
102. Forfeiture of any publication containing advertisement or matter soliciting use of intoxicants.
103. Presumption as to commission of offences in certain cases.
103A. Report of certain registered medical officers as evidence.
104. Compounding of offences.
104A. Bombay Probation of Offenders Act, 1938, and section 562 of Code of Criminal Procedure, 1898, not to apply to persons convicted of offence under this Act.

CHAPTER VIII—*Excise Duties.*

105. Excise duties.
106. Manner of levying excise duties.
107. Power to exempt, remit or refund excise duty.
107A. Declaration of stock of articles mentioned in section 24A; maintenance of accounts and submission of returns.
107B. Power to obtain information and to search and seize excisable articles.
108. Penalty for import of intoxicant, without payment of duty.
109. Duty on tapping of toddy trees.
110. Duty by whom payable.
111. Owner of trees entitled to assistance for duty paid.
112. Privilege of drawing toddy from trees belonging to Government.
113. Rules for levy of duty on opium, etc.
114. Recovery of duties, etc.

CHAPTER IX—*Powers and Duties of Officers and Procedure.*

115. Magistrate's power to impose higher fine.
116. Procedure to be followed by Magistrates.
117. Investigations, arrests, searches, etc., how to be made.
118. Offences to be cognizable.
119. Offences to be non-bailable.
120. Powers of entry and inspection.
121. Power to open packages, etc.
122. Powers to require production of licences.